THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.928 OF 2007

Dated 5th November, 2007

Between:

T.Doraswamy Naidu and ten others …Petitioners

And

Government of Andhra Pradesh
Revenue (Endowments-III) Department
And others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

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J U D G M E N T (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties.

This Writ Appeal is filed against order dated 13-06-2007 passed by the learned Single Judge in Writ Petition No.10436 of 1999, whereby the learned Single Judge dismissed the writ petition.

The writ petitioner/appellant challenged the notification regarding land acquisition as a owner on the ground that the award has not been passed in terms of Section 11-A of the Land Acquisition Act, 1894 (for short "the Act") which contemplates that award should be passed within two years from the date of draft declaration under Section 6 of the Act.

The respondents before the writ Court contended that the award could not be passed as another landowner had filed a writ petition being Writ Petition No.9834 of 1999 and obtained an interim order directing maintenance of status quo. If they had proceeded with the proceedings to finalize the award, they would have been in contempt of the Court. Therefore, the case would come within the explanation appended to Section 11-A of the Act and that the period for which there was a stay from this Court would have to be excluded in computing the period of two years from the date of declaration under Section 6 of the Act. Learned Single Judge accepted this contention. We do not find

any ground to interfere in the finding of the learned Single Judge. A similar controversy was raised in another writ petition being Writ Petition No.10410 of 1999, which was dismissed by the learned Single Judge by order dated 13-06-2007 and appeal was taken against that order being W.A.No.627 of 2007, which has been dismissed by a Division Bench of this Court by order dated 14-08-2007. It is also stated at the bar that the writ petition in which stay had been granted was eventually dismissed and an award has already been passed. In this view of the matter, the petitioner is at liberty to seek any remedies, against the award, that may be available to him in law.

The Writ Appeal is accordingly dismissed. No order as to costs.

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Bilal Nazki,J

Dated 5th November, 2007

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Ramesh Ranganathan,J

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